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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,728	06/06/2007	Bernd Salomon-Bahls	11138-024	9933
757 BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610			EXAMINER DRIGGERS-FOURNET, GWENDOLYN	
			ART UNIT 3679	PAPER NUMBER
			MAIL DATE 04/28/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/596,728

Applicant(s)

SALOMON-BAHLS ET AL.

Examiner

Gwendolyn D. Fournet

Art Unit

3679

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 July 2009 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This communication is an office action on the merits. Claims 1 and 3-14, as amended, are currently pending and have been considered below.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/12/10 has been entered.

Drawings

2. The drawings are objected to because the drawings do not illustrate how the embodiments shown in figures 3 and 4 are arranged such that a leakage path is defined as described in claim 8. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered

and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 8-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. In claims 8-14, it is unclear how the claimed features can be combined with the features of claim 1 since claim 1 describes a different embodiment of the invention which does not seem compatible with the features described in claims 8-14. Claim 1 describes embodiments shown in figures 5-7, whereas claims 8-14 describe the embodiment of figures 1-4 whereby a leakage path (shown by arrows (36) in figure 2) is formed by depressions (40) which permit fluid within the housing to escape to the atmosphere in a pre-locking position (figure 2). Figure 2 illustrates how the pressurized medium is able to flow to the atmosphere, but in figures 6 and 7, sleeve (22) is formed

as a single piece with the receiving part of the housing (60). How can the pressurized medium flow out of the housing of figures 5-7 by the depressions shown in figures 1-4 if those depressions will be enclosed within the receiving part (60) and not subject to the pressurized medium? As illustrated, the pressurized medium would seem likely to escape via gap (66). Applicant must make clear how the features of claim 1 can be combined with the features of claims 8-14 or whether claim 1 is directed solely to the embodiments of figures 5 through 7.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
8. Claims 1, 3, and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ezura (US 2003/0178846), and in further view of Kooten (US 5,403,046).

Regarding claim 1, Ezura discloses a plug connector (10) for fluid conduits ([0002] which discloses use with a fluid tube), comprising a housing part (12) with a plug socket (figure 3, the open area of body (12) defined near (32a) and (32b)) for the fluid-tight insertion of a tubular plug-in part (36), a holding element (52) for locking and a fluid seal (42) for sealing the inserted plug-in part being arranged in the plug socket (see figure 3), the housing part being in two parts comprising a base part (12) and an insert part (58) which is connected to the base part via a first snap-action positive fit connection (50), the base part comprising a receiving part (12) for the holding element, the fluid seal and the insert part, and a joining part (18) for the joining connection of the housing part to a fluid conduit ([0004] which discloses coupling of fluid tube to pressure apparatus); wherein the receiving part and the joining part are connected to each other via a second snap-action positive fit connection (20).

Ezura fails to explicitly disclose means for securing against relative rotation are provided between said receiving part and said joining part, and the means for the rotational securing is formed by inner or outer positive fit elements in such a manner that the receiving part and the joining part can be fitted axially but are secured against rotation relative to one another..

However, Kooten discloses a coupling having a means for securing against relative rotation (39) provided between said receiving part (7) and said joining part (5), and that the means for the rotational securing is formed by inner or outer positive fit elements (39) in such a manner that the individual parts can be fitted axially but are

secured against rotation relative to one another (column 5 lines 44-45 and 65-67 which disclose the components can slide but not rotate with respect to one another).

Therefore, from the teachings of Kooten, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the tube joint in Ezura to include a means for securing the inserted plug-in part against rotation as taught by Kooten in order to prevent rotation between the components (column 5 lines 65-67).

Regarding claim 3, Ezura further discloses an annular gap (figure 3, gap between connecting member (18) and body (12) near reference numeral (22)) between the receiving part and the joining part is sealed off in a fluid-tight manner via a seal (22) (see figure 3).

Regarding claim 5, Ezura further discloses the receiving part is formed of plastic material ([0030] which discloses joint body (12) as plastic) and the joining part is formed of metal ([0031] lines 1-2 which disclose connecting member (18) as metal).

Regarding claim 6, Ezura further discloses the holding element is a slotted (56), radially elastic ([0037] line 2) clamping ring (see figure 4) which interacts with an internal cone (figure 4, portion at the left end of (58) near reference numeral (60)) in the plug socket (see figure 3) to lock the plug-in part ([0040] describes fluid tube (36) prevented from detachment via fastening section (54) of chuck (52), the internal cone being formed in the insert part (see figure 3)).

Regarding claim 7, Ezura further discloses the fluid seal is arranged in an annular chamber (32b) between one of the base parts or the receiving part and the insert part (see figure 3).

9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ezura in view of Kooten as applied to claims 1, 3, and 5-7 above, and further in view of Hosono et al (US 6,447,019).

Regarding claim 4, the combination of Ezura and Kooten discloses all the structural elements of the claimed invention as recited in claim 1, but fails to explicitly disclose the receiving part, with a consistently identical configuration, can be connected to a plurality of different configurations of the joining part.

However, Hosono discloses a tube joint having the receiving part (14), with a consistently identical configuration (figure 2), can be connected to a plurality of different configurations of the joining part (18) (see figure 2 which illustrates a cavity for receiving coupling member (18) in joint body (14) which is identical to that shown in Ezura, but where the coupling member includes a bush (52)).

Therefore, from the teachings of Hosono, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the tube joint in the combination of Ezura and Kooten to include a metal bush as taught by Hosono which maintains a strong connection while permitting the use of other coupling materials, such

as plastic, since the fluid within the coupling does not come into contact with the metal bush (column 4 lines 17-31).

Response to Arguments

10. Applicant's arguments filed 04/12/10 have been fully considered but they are not persuasive.
11. Applicant's arguments with respect to claims 1 and 3-8 have been considered but are moot in view of the new ground(s) of rejection.
12. In response to Applicant's arguments regarding claims 9-14, under the broadest reasonable interpretation of "depressions", the slots described in Woodling would be considered depressions since a depression can be defined as "a hollow place or part" and the slots of Woodling are a hollow place.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Applicant has amended claim 1 to include "inner or outer positive fit elements."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gwendolyn Fournet whose telephone number is (571)270-5740. The examiner can normally be reached on Mon-Thurs 7:30a-6:00p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gwendolyn Fournet
/GDF/
Examiner
Art Unit 3679
04/23/10

/Daniel P. Stodola/
Supervisory Patent Examiner, Art Unit 3679